

# EXHIBIT D

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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JOSEPH J. HESKETH III, on his )  
behalf and on behalf of other )  
similarly situated persons, )  
 )  
Plaintiff, )  
 )  
vs. )No.  
 )2:20-cv-01733-JLR  
TOTAL RENAL CARE, INC., on its )  
own behalf and on behalf of )  
other similarly situated )  
persons, )  
 )  
Defendant. )

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REMOTE DEPOSITION UPON ORAL EXAMINATION OF  
JOSEPH J. HESKETH III

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10:00 a.m.  
MAY 13, 2021  
CASCADE, MARYLAND

REPORTED BY: LORRIE R. CHINN, RPR, CCR  
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ALSO PRESENT: COLLEEN LUDWIG

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1 CASCADE, MARYLAND; MAY 13, 2021

2 10:00 a.m.

3 --oOo--

4  
5 JOSEPH J. HESKETH III,  
6 remotely sworn as a witness  
7 by the Certified Court Reporter,  
8 testified as follows:  
9

10 EXAMINATION

11 BY MS. PETERSEN:

12 Q. Good morning, Mr. Hesketh. My name is Chelsea  
13 Petersen. I am an attorney with Perkins Coie, who  
14 represents Total Renal Care in this action. Can you  
15 please state your full name for the record?

16 A. Joseph John Hesketh, followed by a Roman  
17 number III.

18 Q. And do you also go by JJ?

19 A. I do go by JJ.

20 Q. Okay. Thank you. So, first, just a few  
21 preliminaries that have to do with the remote nature of  
22 this deposition. Can you clearly see and hear me?

23 A. Yes.

24 Q. Good. And are you currently having any  
25 issues -- technical issues with your internet

1 behaving this way but management is behaving in a  
2 different way, it's very confusing for me as a  
3 teammate.

4 Q. I see. So fair to say that you view the  
5 actions of these folks providing turkeys to be a  
6 positive?

7 A. Absolutely.

8 Q. Okay. But you're contrasting that with what  
9 you say is behavior by leadership that is not positive,  
10 right?

11 A. That's correct. That's correct.

12 Q. Okay.

13 A. What documents did you skip? You started  
14 renumbering, so --

15 Q. I did. Yeah, there were one or two that I  
16 pulled out here, but we don't even need to go into  
17 them. I'm trying to streamline a bit here.

18 A. Okay. That's fine. I'm just curious.

19 Q. Sure. All right. So we're, as I said, kind  
20 of nearing the end here. Help me understand, if you  
21 would, though, why did you decide to file this lawsuit?

22 A. Because DaVita has a saying. All for one,  
23 meaning that all of us work for the one patient, and  
24 one for all. It is my belief that all of the  
25 clinicians and the people on the front lines deserve to

1 be paid as per the disaster policy that DaVita had  
2 presented.

3 DaVita does not differentiate between a  
4 clinician and the IT guy that works behind the scenes  
5 making sure that everything functions as needed in  
6 hardware and in software spaces so that the clients can  
7 be treated respectfully and get their blood cleaned.

8 Okay? So I am fighting for all of them. I am  
9 the one for all. I want to represent and get these  
10 people the help that they need financially because of  
11 the amount of stress that is put on everybody's life.  
12 I'm very distraught that DaVita had money to make these  
13 payments and chose not to do it and then later said,  
14 "Oh, did does that too fast."

15 It's just appalling to me that the company  
16 with which -- the village which I worked for for  
17 14 years has suddenly done this turnaround where it's  
18 okay for us to get you guys to do things. "But because  
19 we have it written that we can what we want, we can  
20 change things the way we went, then we're going to do  
21 that."

22 That's not integrity and it's not  
23 accountability. And that really bothers me that all  
24 this time they've been fooling me. They want me to  
25 believe in all these things and do all things. One for



1 all, one for all, we said, we did. And, yeah, they  
2 said they did. They said they could change it, and  
3 they sure did, and that was not right.

4 Q. What do you hope then to get out of this  
5 lawsuit? What do you hope the result is of the  
6 lawsuit?

7 A. I hope the result is that we get our -- that  
8 all of the people identified get paid premium pay for  
9 the hours that they worked from the beginning of the  
10 pandemic until whenever it's completed because it's not  
11 over yet.

12 Q. So the goal would be for the company to pay  
13 premium pay starting when?

14 A. When the disaster was declared by the  
15 president of the United States or the governor of  
16 Washington. Because it was originally filed in  
17 Washington. DaVita chose to move it to federal court.  
18 So at that point it would be whenever the -- not when  
19 the governor said it, but when the president said it.

20 Q. Okay. So seeking premium pay from when the  
21 president declared the emergency related to COVID-19  
22 through today; is that right?

23 A. Well, through -- yeah, through to the point  
24 where it is declared that it's no longer a disaster or  
25 an emergency, which hasn't occurred yet.

## REPORTER'S CERTIFICATE

I, LORRIE R. CHINN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or remote proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn remotely to testify to the truth; that the sworn testimony and/or remote proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or remote proceedings given and occurring at the time and place stated in the transcript; that a review of which was not requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this 18th day of May, 2021.



LORRIE R. CHINN, RPR, CCR

Washington State Certified Court Reporter No. 1902

Oregon State Certified Court Reporter No. 97-0337

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